

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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KAREN SUTHERLAND, as mother
of decedent; ERICA BELATTI,
Guardian Ad Litem for S.S.,
son of decedent, and as a
successor in interest to the
deceased; and D.S. daughter
of decedent, and as a
successor in interest to the
deceased,

Plaintiffs,

v.

CITY OF STOCKTON; OFFICER
RONALD ZALUNARDO, in his
individual and official
capacity; OFFICER JOHN
AFANASIEV, in his individual
and official capacity; CHIEF
ERIC JONES, in his individual
and official capacity; and
DOES 1-5, inclusive,

Defendants.

No. 2:21-cv-01855 WBS AC

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the

1 court hereby vacates the Status (Pretrial Scheduling) Conference
2 scheduled for July 18, 2022, and makes the following findings and
3 orders without needing to consult with the parties any further.

4 I. SERVICE OF PROCESS

5 All named defendants have been served, and no further
6 service is permitted without leave of court, good cause having
7 been shown under Federal Rule of Civil Procedure 16(b).

8 II. JOINDER OF PARTIES/AMENDMENTS

9 No further joinder of parties or amendments to
10 pleadings will be permitted except with leave of court, good
11 cause having been shown under Federal Rule of Civil Procedure
12 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
13 (9th Cir. 1992).

14 III. JURISDICTION/VENUE

15 Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and
16 1343(a), because plaintiffs assert claims for violations of
17 constitutional rights under 42 U.S.C. § 1983. Pursuant to 28
18 U.S.C. § 1367, the court has supplemental jurisdiction over
19 plaintiffs' state law claims, which arise from the same course of
20 conduct as plaintiffs' federal claims. Venue is undisputed and
21 hereby found to be proper.

22 IV. DISCOVERY

23 The parties agree to serve the initial disclosures
24 required by Federal Rule of Civil Procedure 26(a)(1) on or before
25 July 18, 2022.

26 The parties shall disclose experts and produce reports
27 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
28 later than September 22, 2023. With regard to expert testimony

1 intended solely for rebuttal, those experts shall be disclosed
2 and reports produced in accordance with Federal Rule of Civil
3 Procedure 26(a)(2) on or before October 20, 2023.

4 All discovery, including depositions for preservation
5 of testimony, is left open, save and except that it shall be so
6 conducted as to be completed by November 17, 2023. The word
7 "completed" means that all discovery shall have been conducted so
8 that all depositions have been taken and any disputes relevant to
9 discovery shall have been resolved by appropriate order if
10 necessary and, where discovery has been ordered, the order has
11 been obeyed. All motions to compel discovery must be noticed on
12 the magistrate judge's calendar in accordance with the local
13 rules of this court and so that such motions may be heard (and
14 any resulting orders obeyed) not later than November 17, 2023.

15 V. MOTION HEARING SCHEDULE

16 All motions, except motions for continuances, temporary
17 restraining orders, or other emergency applications, shall be
18 filed on or before January 16, 2024. All motions shall be
19 noticed for the next available hearing date. Counsel are
20 cautioned to refer to the local rules regarding the requirements
21 for noticing and opposing such motions on the court's regularly
22 scheduled law and motion calendar.¹

23 VI. FINAL PRETRIAL CONFERENCE

24 The Final Pretrial Conference is set for April 8, 2024,
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26 ¹ The parties noted in their Joint Status Report that
27 they stipulate to a briefing schedule for dispositive motions
28 different than the one in the Local Rules. The court does not
address the stipulation at this time. However, the parties can
file any necessary stipulation when a motion is filed.

1 at 1:30 p.m. in Courtroom No. 5 or via videoconference. The
2 Courtroom Deputy will notify the parties prior to the Conference
3 whether it will be held in person or via videoconference. The
4 Conference shall be attended by at least one of the attorneys who
5 will conduct the trial for each of the parties and by any
6 unrepresented parties.

7 Counsel for all parties are to be fully prepared for
8 trial at the time of the Pretrial Conference, with no matters
9 remaining to be accomplished except production of witnesses for
10 oral testimony. Counsel shall file separate pretrial statements,
11 and are referred to Local Rules 281 and 282 relating to the
12 contents of and time for filing those statements. In addition to
13 those subjects listed in Local Rule 281(b), the parties are to
14 provide the court with: (1) a plain, concise statement which
15 identifies every non-discovery motion which has been made to the
16 court, and its resolution; (2) a list of the remaining claims as
17 against each defendant; and (3) the estimated number of trial
18 days.

19 In providing the plain, concise statements of
20 undisputed facts and disputed factual issues contemplated by
21 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
22 that remain at issue, and any remaining affirmatively pled
23 defenses thereto. If the case is to be tried to a jury, the
24 parties shall also prepare a succinct statement of the case,
25 which is appropriate for the court to read to the jury.

26 VII. TRIAL SETTING

27 The jury trial is set for June 4, 2024 at 9:00 a.m. The
28 parties estimate that the trial will last eight to ten days.

VIII. SETTLEMENT CONFERENCE


A Settlement Conference with a magistrate judge will be set at the time of the Pretrial Conference. Counsel are instructed to have a principal with full settlement authority present at the Settlement Conference or to be fully authorized to settle the matter on any terms. At least seven calendar days before the Settlement Conference counsel for each party shall submit a confidential Settlement Conference Statement for review by the settlement judge. The Settlement Conference Statements shall not be filed and will not otherwise be disclosed to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED.

Dated: July 12, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE